

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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DC PLASTIC PRODUCTS CORPORATION,

Plaintiff,

v.

Civil Action No.:

WESTCHESTER SURPLUS LINES INSURANCE COMPANY,

Defendant.

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NOTICE OF REMOVAL OF CIVIL ACTION

1. Defendant, WESTCHESTER SURPLUS LINES INSURANCE COMPANY (“Defendant”), is a named defendant in an action commenced by Plaintiff, DC PLASTIC PRODUCTS CORPORATION (“Plaintiff”), in the Superior Court of the State of New Jersey, Hudson County captioned *DC PLASTIC PRODUCTS CORPORATION v. WESTCHESTER SURPLUS LINES INSURANCE COMPANY*, docket number HUD-L-004409-17 (the “state court action”). A copy of Plaintiff’s Complaint is annexed hereto as **Exhibit “A.”**

2. Upon information and belief, Plaintiff filed the state court action in Superior Court of the State of New Jersey, Hudson County on October 26, 2017.

3. Defendant received a copy of the Complaint on December 4, 2017. Thus, this Notice of Removal is being timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days after receipt by Defendant.

4. As set forth in Plaintiff’s Complaint in the state court action, this is a breach of contract action related to an insurance policy issued by Defendant to Plaintiff.

5. According to the Complaint, Plaintiff seeks monetary damages “in excess of the policy limits of \$5,000,000.” *See* Ex. A, ¶14.

6. Plaintiff is a New Jersey corporation, with its principal place of business in Bayonne, New Jersey.

7. Defendant is a Georgia corporation, with its principal place of business in Philadelphia, Pennsylvania.

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because this is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interests, and because there exists complete diversity between the two parties.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 112(b) because it is the district and division embracing the place where such action is pending in accordance with 28 U.S.C. § 1441(a).

10. No previous application has been made for the relief requested herein.

11. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff, and a copy is also being filed with the Superior Court of the State of New Jersey, Hudson County. The Notice of Filing Notice of Removal is attached as **Exhibit “B.”**

WHEREFORE, Defendant, WESTCHESTER SURPLUS LINES INSURANCE COMPANY, respectfully requests that the state court action be removed to the United States District Court for the District of New Jersey, and that this Court assume jurisdiction of this action and make such further orders as may be required to properly determine this controversy.

Dated: December 14, 2017
New York, New York

Respectfully submitted,

**FORAN GLENNON PALANDECH
PONZI & RUDLOFF PC**

By: 

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